



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
P.O. Box 8044  
Madison, Wisconsin 53708-8044  
TTY: Contact Through Relay  
**Jim Doyle, Governor**  
**Richard J. Leinenkugel, Secretary**

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 59  
**Commerce #:** 53913-2427-04-A  
**BRRTS #:** 03-57-002157  
**Site Name:** Clark Oil #468  
**Site Address:** 304 Broadway St, Baraboo, 53913  
**Site Manager:** Rachel Greve  
**Address:** 3911 Fish Hatchery Rd  
**City, State Zip:** Fitchburg, WI 53711-5367  
**Phone:** 608-275-3220  
**e-mail:** rachel.greve@wisconsin.gov  
**Bid Manager:** Gena M. Larson  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-5404  
**e-mail:** Gena.Larson@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>February 16, 2009</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>March 02, 2009, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>March 20, 2009</b>
<b>Bid-End Date and Time:</b>	<b>April 03, 2009, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**Xer-Lith Printing-Madison, 131 W Wilson St, Madison, WI 53703**  
**Phone: (608) 257-8900 Fax: (608) 257-8900**

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

The site is a former gasoline service station, active through 2002. High levels of petroleum contamination were initially discovered during 1994 canopy construction. In July of 2007, 2 unleaded gasoline USTs (7,500 gallons and 10,000 gallons), along with dispensers and associated piping, were removed, and the building was razed.

Soils beneath the site consist of silty clay with seams of silty sand to a depth of 28 ft bgs overlying silty sand to 39-50 ft bgs (maximum boring depth). Tank closure samples and subsequent soil borings (2008) show very high levels of contamination beneath the three former pump islands and in the SW corner of the 7,500-gallon tank bed. Soil borings installed in 1996 show petroleum contamination south of the tank beds. Contamination extends from 6-10 ft. below ground surface (bgs) to the water table. Depth to water is 33-40 ft bgs. Groundwater flow direction varies from east to south-southeast.

Free phase petroleum is present in MW-1 (average 0.5 ft) and MW-3 (average 1.9 ft). From 10/04-10/06, approximately 109 gallons of product plus water was removed by bailing from these two wells.

### **Minimum Remedial Requirements**

#### **Remedial Excavation**

Contaminated soil shall be remediated by means of soil excavation and off-site disposal. The excavation shall primarily target two areas: the area of B-1(1996) and B-3 (2008) and the area of B-4 and B-5 (2008). In these areas, the excavation shall extend to the maximum depth practicable, or a maximum depth of 20 ft. bgs. In the vicinity of B-1, the excavation shall extend as far to the south as possible without damaging the sidewalk. In addition, the upper four feet of soil in the vicinity of the two former west dispenser islands shall be excavated to address potential direct contact hazards. For the purposes of the bid, an estimated 890 tons of contaminated soil should be excavated and disposed of off site. Disposal costs will be adjusted to the actual amount based on a contingency cost provided (commodity only). The use of field screening or other appropriate technology is required in order to segregate clean excavated soil from contaminated soil for disposal.

If site conditions warrant, the excavated area (and/or excavation depth in the dispenser island area) may be extended with approval from the DNR and Commerce project managers. Bids should include per ton contingency costs (commodity costs only) for additional source removal. The Wisconsin DNR and Commerce shall be notified at least 10 business days prior to the start of excavation activities. DNR and Commerce staff may visit the site during the excavation activities.

The excavation shall be back-filled with clean soils segregated during excavation activities, as well as with imported, clean materials of equal or lower permeability. The backfill must be thoroughly compacted. Confirmation base and sidewall samples must be collected in accordance with DNR guidelines and analyzed for petroleum volatile organic compounds (PVOCs) and naphthalene.

#### **Monitoring Well Replacement**

If additional excavation is warranted, monitoring wells MW-1 and/or MW-3 may have to be abandoned and subsequently replaced. The bid should include contingency costs for the abandonment and replacement of these two wells. If necessary, the

replacement wells (MW-1R and MW-3R) should be installed to the same depth as the wells they are replacing, and the abandonment and well installation must comply with ch. NR 141, Wis. Adm. Code. The new well(s) shall be surveyed according to the requirements of ch. NR 141. Well installation documentation must be included in the remedial construction documentation report.

#### Groundwater Monitoring

Following remedial excavation and well replacement (if required), conduct two years of quarterly groundwater monitoring. All wells should be sampled on each monitoring round, regardless of the presence of free product. Analyze groundwater for PVOCs and naphthalene. If free product is present, its thickness should be recorded, and it should be removed by bailing or pumping. Measure groundwater elevations at all wells and the river on each sampling round. The bid shall include costs for disposal of all investigative/remediation wastes.

#### Reporting

Upon completion of excavation and well replacement activities, a detailed remedial construction report, documenting the excavation activities and analytical results shall be prepared and submitted to DNR.

Following the first and second years of monitoring, submit reports detailing the results of groundwater monitoring activities. The reports should include (but not be limited to) laboratory results and groundwater elevations in tabular form (cumulative with historical data), free product thicknesses (if present), lab reports, and groundwater flow diagrams. The second annual report should also include an assessment of whether site conditions warrant closure.

#### Completion of SOW/Closure Submittal

While this is not a bid to closure, there is a possibility of attaining closure at the conclusion of the scope of work (SOW) conducted under this bid. Upon completion of the SOW discussed above, evaluate site conditions and all historical soil and groundwater analytical data, and evaluate the potential for closure consistent with the requirements of ch. NR 726, WI. Adm. Code. Bid responses will include a separate cost to prepare and submit a complete closure report (including DNR Close Out Form) and GIS Registry packet (and all other closure-related costs), for closure consideration by the DNR, if the consultant and DNR project manager concur that a closure request is justified. The closure report must include all historical data and activities, together with the data results and documentation of the work completed in accordance with this bid.

If site conditions do not warrant closure upon completion of the SOW discussed above, then the cost cap established by this bid will be modified less the amount of the closure-related costs.

The cost to fulfill *all* landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Procedure (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if required.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

#### Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

## **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## **SECTION 5 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.

5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

**BID RESPONSE – BID ROUND 59**

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Department of Commerce PECFA Program

**Site Name: Clark Oil #468**

**Commerce #: 53913-2427-04-A**

**BRRTS #: 03-57-002157**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_



**BID RESPONSE – BID ROUND 59****(2<sup>nd</sup> Page)**

Department of Commerce PECFA Program

**Site Name: Clark Oil #468****Commerce #: 53913-2427-04-A****BRRTS #: 03-57-002157****Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Soil excavation activities to include consultant costs, backfill, confirmation sampling, soil disposal, reporting, etc.	\$
2	Monitoring well replacement, MW-1 (only to be incurred with pre-approval)	\$
3	Monitoring well replacement, MW-3 (only to be incurred with pre-approval)	\$
4	Groundwater monitoring activities, year 1. (including activities associated with free product and reporting)	\$
5	Groundwater monitoring activities, year 2. (including activities associated with free product and reporting)	\$
6	Closure report preparation (only to be incurred with pre-approval)	\$
7	PECFA Claim Preparation	\$
8	<b>Total Bid Amount</b>	<b>\$</b>
<b>CONTINGENCY COSTS</b> <b>(Will be Approved and Added to the Bid Cap as Needed)</b>		
•	Contingency cost per ton for excavated soil disposal. Commodity only.	\$
•	Collection and Analysis of TCLP Soil Samples for Landfill Disposal	\$